

As discussed below, Applicant respectfully submits that the Office Action at least fails to satisfy the third criteria.

As properly recognized by the Office Action, Herz fails to disclose, teach, or suggest that "the selected message is selected and the extracted profile data is extracted before the user reads the selected message," as recited in claims 1 and 12.

Davies fails to make up for this deficiency of Herz. The Office Action relies on column 6, lines 52-67 as disclosing that "the user provides a personal profile: a set of keywords which describe information the use is interested in obtaining via W3" and the "profile is held, or at least maintained, by the agent in order to determine which pages are potentially of interest to the user." However, this portion of Davies does not disclose, teach, or suggest any timing for extracting a profile from electronic messages.¹

According to Davies, the profile is provided by the user, not extracted from any messages. C6/L52-67; Fig. 6, step 601. Furthermore, Davies fails to disclose any sort of system that is usable with electronic messages. The system of Davies is designed exclusively for use with web pages on the World Wide Web (W3). C1/L32-50. This aspect of Davies is recognized by the Office Action on page 4, in which it characterizes Davies as teaching a method and apparatus to use an agent to extract profile data before the user reads "the pages," i.e., the web pages.

Because, neither Herz nor Davies discloses, teaches, or suggests that "the selected message is selected and the extracted profile data is extracted before the user reads the selected message," claims 1 and 12 are patentable over the combination of Herz and Davies. Further, Applicant respectfully submits that claims 2, 3, 5, 6, 8, 11, 14, 15, 17, 19, and 20 are

¹ Applicant notes that according to the language of claims 1 and 12, the electronic messages are "electronic messages directed to the user." It is well known in the art that World Wide Web pages are not "directed to the user."

patentable over Herz for at least the reasons that claims 1 and 12 are patentable, as well as for the additional features they recite.

The Office Action rejects claims 4, 7, 9, 10, 13, 16, and 18 under 35 U.S.C. §103(a) over Herz and Davies as applied to claims 1 and 12, in view of U.S. Patent 6,029,195 to Gershman et al. (hereinafter "Gershman"). Applicant respectfully traverses the rejection.

This rejection is premised upon the presumption that the combination of Herz and Davies discloses, teaches, or suggests all of the features of claims 1 and 12. As discussed above, the combination of Herz and Davies does not disclose, teach, or suggest all of the features of claims 1 and 12. Accordingly, the basis of the rejection is improper. Applicant respectfully requests withdrawal of the rejection.

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of claims 1-20.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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